(1) (4)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 4209 /2003

PETITIONER

Shailesh Kumar Baghel aged about 31 years, son of Shri S.S. Baghel, resident of Forest Colony, Pratappur Naka, Ambikapur, Distt. Surguja (Chhattisgarh), Present address: village – Odgi, District Surguja (Chhattisgarh).

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through: The Secretary, Department of Forest, D.K.S. Bhawan, Raipur (Chhattisgarh)
2. The Chief Conservator of Forest, C.C.F. Office, Jail Road, Raipur (Chhattisgarh)
3. The Conservator of Forest, Surguja Circle, Ambikapur, Distt. Surguja (Chhattisgarh)
4. The Divisional Forest Officer, South Surguja Forest Division, Ambikapur, Distt. Surguja (Chhattisgarh)
5. R.K. Pandey, Range Officer, Range Kelhari (Production) Forest Division Manendragarh, Distt. Korea (Chhattisgarh)

P. R No. 4014/03 Sect. Court
Presented by Shri ....
dated 31/12/03

RECEIVED-COPY 31.12.03
Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI / MANDAMUS.. ETC.

PETITIONER.

(87)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 4209 of 2003

Petitioner : Shailesh Kumar Baghel

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri Prafull Bharat, counsel for the Petitioner.

Shri Pankaj Shrivastava, Panel lawyer for the respondents No. 1 to 4/State.

None for the respondent No. 5.

ORAL ORDER

(27th February, 2006)

1. Learned counsel for the petitioner submits that pursuant to the impugned order dated 26.12.2003, the petitioner was removed from the post of Range Officer, Kudargarh, South Surguja Division and was posted as Ranger on Special Duty in the same range. The petitioner has thereafter complied with the impugned order dated 26.03.2003 and joined the new place of posting.

2. In the present writ petition, the petitioner impugns certain observations made while removing the petitioner from the Range Office, Kudargarh as Ranger and posting him on Special Duty in the same area.

3. Learned counsel for the petitioner submits that these observations were made for the purpose of posting, the petitioner as Ranger on Special Duty in Range Kudargarh, South Surguja Division, and the observations should not be a part of his service record forever, as it

may affect his career. These allegations/observations have been made without holding proper enquiry.

4. Shri Pankaj Shrivastava, learned counsel appearing for the respondents No. 1 to 4 fairly submits that admittedly, these observations were made for the purpose of posting, the petitioner as Ranger on Special Duty, Range Kudargarh. It was also admitted that the observations have been made without holding proper enquiry on the basis of certain complaints. When admittedly, the observations have made without holding proper enquiry on the basis of mere allegations, the said observations remain observations only without having any effect on the service career of the petitioner. Accordingly the said observations deserve to be expunged. The said observations as stated below :-

> "प्रकरण का संक्षिप्त विवरण :–
>
> वनमण्डलाधिकारी दक्षिण सरगुजा का अर्द्धशासकीय पत्र कं. 160 दिनांक 10.11.2003 एवं पत्र कं. 816 दिनांक 23.12.2003 के द्वारा सूचित किया गया है कि कुदरगढ़ परिक्षेत्र में वर्तमान में पदस्थ परिक्षेत्राधिकारी श्री एस0के0बघेल द्वारा समय–समय पर जारी निर्देशों की पालना नही की जा रही हैं। क्षेत्रीय कार्यो के संचालन में कोई रूचि नही ली जा रही हैं एवं, अपने अधिनस्थों को सही मार्ग दर्शन नही दिया जा रहा है, जिससे परिक्षेत्र के अंतर्गत समस्त क्षेत्रीय कार्य प्रभावित हो रहे हैं एवं श्रमिकों को भुगतान समय–समय पर नही होने के कारण उनमें भी रोष व्याप्त रहता हैं। वनमण्डलाधिकारी यह भी उल्लेख किया गया है कि श्री एस0के0बघेल क्षेत्रीय कार्यो के लिए पूर्णतः अयोग्य हैं। उनके परिक्षेत्र प्रभार में रहते हुए परिक्षेत्र को आवंटित भौतिक एवं आर्थिक लक्ष्यों की प्राप्ति किया जाना सम्भव नही है। अतः उनके स्थान पर किसी अन्य वनक्षेत्रपाल की पदस्थिति की जाए।

उक्त परिस्थितियों को ध्यान में रखते हुए तथा परिक्षेत्र के क्षेत्रीय कार्यो का त्वरित संचालन एवं आवंटित भौतिक/आर्थिक लक्ष्यों की समय पर पूर्ति हेतु निम्नानुसार आदेशित किया जाता हैं"

are expunged.

5. In view of the foregoing, the writ petition is allowed to the above extent. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu